

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

| | | |
|---|---|---------------------|
| COREY B. PHILLIPS and | : | CIVIL ACTION |
| ALICIA S. PHILLIPS, his wife | : | |
| Plaintiffs | : | NO. 02-3749 |
| v. | : | |
| WEST NORRITON TOWNSHIP | : | |
| and | : | |
| MANRICO A. TRONCELLITI, JR. | : | |
| and | : | |
| EDWARD J. BARTOSZEK | : | |
| and | : | |
| BARBARA A. BERGSTRASSER | : | JURY TRIAL DEMANDED |
| and | : | |
| GEORGE J. STOJANOVICH | : | |
| and | : | |
| MICHAEL A. VEREB, Individually and in | : | |
| their Official Capacity as Commissioners of | : | |
| West Norriton Township | : | |
| and | : | |
| THE BOARD OF COMMISSIONERS OF | : | |
| WEST NORRITON TOWNSHIP | : | |
| and | : | |
| JOSEPH J. HEIN, Individually and in his | : | |
| Official Capacity as Township Manager of | : | |
| West Norriton Township | : | |
| and | : | |
| ROBIN DeANGELIS, Individually and in | : | |
| her Official Capacity as Assistant Township | : | |
| Manager of West Norriton Township | : | |
| Defendants | : | |

**PLAINTIFFS' ANSWER TO MOTION OF DEFENDANTS
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(6)
FOR PARTIAL DISMISSAL OF PLAINTIFFS' COMPLAINT**

The Plaintiffs, by and through their counsel, LEO A. HACKETT, ESQUIRE, respond to Defendants Motion Pursuant to F.R.C.P 12(b)(6) and respectfully request this Court to deny the Defendants' Motion to dismiss portions of Plaintiffs' Complaint and avers as follows:

1. Admitted.
2. Admitted.
3. Admitted. By way of further answer, see Plaintiffs' Motion to Amend Complaint wherein Mr. Phillips avers that his contractual status as an independent contractor was terminated with West Norriton Township on March 13, 2002.
4. Admitted. Plaintiff admits that the complaint alleges that the termination of his contract violated both his due process and liberty interest rights, however, as set forth in the Plaintiffs' Memorandum of Law and Motion to Amend Complaint Plaintiff alleges he was an independent contractor.
5. Admitted. By way of further answer, see Plaintiffs' Motion to Amend Complaint.
6. Admitted. By way of further answer, see Plaintiffs' Motion to Amend Complaint.
7. Denied. The averments of paragraph seven are denied as a conclusion of law to which no response is required.
8. Denied. The averments of paragraph eight are denied as a conclusion of law to which no response is required.

WHEREFORE, Plaintiff respectfully requests that this Honorable Court deny Defendants Federal Rule of Civil Procedure 12(b)(6) Motion.

RESPECTFULLY SUBMITTED:

LAW OFFICES OF LEO A. HACKETT

LEO A. HACKETT, ESQUIRE

